

EXHIBIT 2

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHRISTINE CONFORTI

Plaintiff,

vs.

CHRISTINE GIORDANO HANLON, in her
official capacity as Monmouth County Clerk,
SCOTT M. COLABELLA, in his official
Capacity as Ocean County Clerk; and PAULA
SOLLAMI COVELLO, in her official capacity
as Mercer County Clerk,

Defendants.

Civil Action No. 13-5953 (MAS)(TJB)

**CERTIFICATION OF DEFENDANT,
CHRISTINE GIORDANO HANLON,
IN SUPPORT OF HER MOTION TO
DISMISS PLAINTIFF'S COMPLAINT**

I, **CHRISTINE GIORDANO HANLON**, certify as follows:

1. I am the Monmouth County Clerk. In my capacity as Monmouth County Clerk, I am also the Clerk of Elections for the County of Monmouth.
2. I make this Certification in support my Motion to Dismiss Plaintiff's Complaint pursuant to F.R.C.P. 12(b)(6).
3. As Clerk of Elections, and pursuant to statute, I am responsible for the preparation of all ballots pertaining to most elections in the County of Monmouth. This includes machine, mail-in, provisional, emergency, federal, and sample ballots.
4. The design and preparation of the ballots is guided by statutes, that also give broad discretion to the County Clerk with recognition of process and spacial limitations.
5. In a primary election, the Republican and Democrat ballots are prepared separately. The design and layout of the ballot in a political party primary election is guided by Title 19 of the New Jersey statutes, which dictates the filing of candidate petitions, bracketing of candidates, slogans, and the process for the ballot draw to determine the order of candidates.

6. In order to appear on the primary election ballots, Republican and Democratic party candidates submit petitions signed by voters to the appropriate government entities by a date certain set by N.J.S.A. 19:23-14. For the 2020 primary election, that date was March 30.
7. Municipal candidates submit petitions to the municipal clerks in their jurisdictions; county candidates submit petitions to the County Clerk; state and federal candidates submit petitions to the Secretary of State. In Monmouth County, the 2020 primary election included the election for the President, United States Senate, United States Congress, County Clerk, County Freeholders, and municipal officials. The election also included municipal political party or “county committee” representatives for each election district in the County of Monmouth, pursuant to the bylaws of the Monmouth County Democrat and Republican parties. There are 458 election districts in the County of Monmouth, and two representatives from each political party to be elected in the primary.
8. The Secretary of State and the municipal clerks are required to submit the names of all of the candidates for the primary election to the County Clerk by a date certain for the preparation of ballots. For the 2020 primary election, that date was April 9, but all of the candidate information was received by my office from the Secretary of State and the municipal clerks prior to that date.
9. Candidates, pursuant to New Jersey law, are permitted to bracket with other candidates to form a “ticket” and appear together on the ballot either in the same column or row. Oftentimes, these bracketed candidates also utilize the same “slogan”. For example, the Monmouth County Republicans own and utilize the slogan “Monmouth County

Republican Organization”, and the Monmouth County Democrats own and utilize the slogan “Monmouth County Democrats.”

10. Candidates wishing to bracket with other candidates and utilize slogans, must submit those requests to the County Clerk within 48 hours of the petition filing deadline. For the 2020 primary election, that date was April 1, according to N.J.S.A 19:49-2.
11. My office collected all of the relevant candidate information from the 53 municipal clerks in the County of Monmouth, and from the Secretary of State, and reviewed all of the slogan and bracketing requests. This amounted to 1,366 candidates to be placed on the Monmouth County ballots – 684 Republican candidates and 682 Democrat candidates.
12. In the Democratic primary, the candidates for United States Senate were Corey Booker and Lawrence Hamm. The candidates for President were Joseph Biden and Bernie Sanders. The candidates for the United States House of Representatives were Christine Conforti, Stephanie Schmid and David Applefield.
13. Pursuant to N.J.S.A. 19:49-2, the only candidates that can file joint petitions under New Jersey law are county candidates (Freeholders) who are running for the same office for the same term. If a candidate seeks to be included “on the line” or bracketed with county candidates, they must make a written request for such inclusion to the County Clerk within two (2) days of the filing of the petition. The County Clerk in turn forwards that request to the County candidates’ campaign manager for approval. The Campaign manager than may approve or disapprove of said request.
14. In the Democratic Primary, Michael Penna and Moira Nelson filed a joint petition for their candidacy in connection with the office of the Board of Chosen Freeholders. They sought to run together on the same line (e.g. be bracketed together).

15. Joseph Biden, who was seeking the office of the President, sought and was approved to appear on the line with Penna and Nelson.
16. Cory Booker, who was seeking the office of United States Senate, sought and was approved to appear on the line with Penna and Nelson.
17. Stephanie Schmid, who was seeking the office of the United States House of Representatives, sought and was approved to appear on the line with Penna and Nelson.
18. Additionally, in the Democratic Primary, Angelica Ashford and Lucille Benafanti, filed a joint petition in connection with their candidacy for the office of the Board of Chosen Freeholders. They sought to run together on the same line (e.g. be bracketed together).
19. Lawrence Hamm, who was seeking the office of the United States Senate, sought and was approved to appear on the line with Ashford and Benafanti.
20. On April 8, 2020, as a result of the Covid-19 Pandemic, Governor Murphy issued Executive Order 120. Under this Executive Order, Governor Murphy ordered that the June 2, 2020, Primary Election be postponed and held on July 7, 2020.
21. Per statute, the ballot draw was to be conducted on April 10 at 3pm, but due to the Good Friday holiday, and closures of government buildings, the draw was moved to April 9 at 3pm. The public was noticed as to this change. In addition, due to the Covid-19 health crisis and the resulting closure of county buildings to the public, the ballot draw was live-streamed via the County's YouTube channel and Facebook.
22. The ballot draw was then conducted at 3pm on April 9. After I explained the ballot draw, my deputy Judith Ricci, conducted the draw while I observed.
23. Because this year's primary election involved a U.S. Senate election, N.J.S.A. 19:23-26.1 is applicable and is harmonized with N.J.S.A. 19:49-2. The names of the two United States

Senate candidates (Booker and Hamm) for the Democratic primary were placed on cards and then placed into the statutorily mandated box. After thoroughly shaking the box, according to statute, Ms. Ricci began pulling the cards out of the box. The first card indicated Senator Corey Booker and the second Lawrence Hamm. As such, Senator Corey Booker would be placed in Column 1, and Lawrence Hamm would be placed in Column 2.

24. Since Booker and Hamm were both bracketed with other candidates, these candidates followed the two United States Senate Candidates and populated columns 1 and 2 respectively in the appropriate spaces for the offices that those other candidates were running for.
25. There was one additional candidate for President (Bernie Sanders) who had not bracketed with any candidate for United States Senate. Presidential Candidate Bernie Sanders was then placed in column three, the very next open column of the ballot.
26. Next, because two additional non-bracketed candidates needed to be placed on the primary election ballot, a drawing of names occurred as between those two candidates seeking office for the U.S. House of Representatives. The two non-bracketed candidates for the Democratic Primary were Christine Conforti and David Applefield.
27. The names of these candidates were placed in the box for the statutorily mandated draw as between the two candidates.
28. Ms. Ricci drew Ms. Conforti's name first, which placed her as the sole candidate in the fourth column of the ballot along with Ms. Conforti's requested slogan "Monmouth County Democrats for the People."

29. Mr. Applefield's name was positioned in the fifth column, the next available column, under the slogan "Fairness in Healthcare, Schools, Local Businesses."
30. New Jersey's Primary Election occurred on or about July 7, 2020.
31. Ms. Conforti lost the Primary Election to her opponent, Stephanie Schmid. Schmid received 31,453 votes (69.1%), Conforti received 11,034 votes (24.3%), Applefield received 3,005 votes (6.6%).

I HEREBY CERTIFY that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

BY: /s/ Christine Giordano Hanlon
CHRISTINE GIORDANO HANLON
Monmouth County Clerk

Date: December 7, 2020